



Room 709
Civic Centre
Barras Bridge
Newcastle upon Tyne
NE1 8PB

Partnership of Darlington BC, Durham County Council, Gateshead MBC, Hartlepool BC, Middlesbrough BC, City of Newcastle-upon-Tyne, North Tyneside MBC, Northumberland County Council, Redcar and Cleveland BC, South Tyneside MBC, Stockton-on-Tees BC and City of Sunderland Trading Standards Services.

25th January 2013

Ms Rachel Onikosi
Department of Business, Innovation and Skills
Consumer and Competition Policy Directorate
1 Victoria Street
London
SW1H 0ET

Email: stcompliance@bis.gsi.gov.uk

Dear Ms Onikosi,
Street Trading and Pedlary Laws – Compliance with The European Services Directive. A Joint Consultation.

Introduction

The North East Trading Standards Association, NETSA, is a partnership body representing the following Local Authority Trading Standards Services (LATSS) in the North East of England:

Darlington, Durham, Gateshead, Hartlepool, Middlesbrough, Newcastle-upon-Tyne, North Tyneside, Northumberland, Redcar and Cleveland, South Tyneside, Stockton on Tees and Sunderland

The twelve Local Authority Trading Standards services (LATSS) within the North East of England are at the forefront of many important control measures in enforcing regulatory restrictions to prevent the illegal supply of products, not just supplied by street traders and which products are often found to be in breach of intellectual property legislation and also consumer safety legislation.

The NETSA Executive would wish to make it perfectly clear that all the LATSS within the North East of England, fully engage with and carry out this work in direct response to the concerns raised by residents, legitimate businesses, elected Members, MP's and a range of partners including the regional Police Services and which now reflects the role of the recently elected Police and Crime Commissioners.

Overall Response Summary

Whilst the NETSA Executive clearly recognises that there is a requirement to act within European law, the Executive would wish to stress that in all local authority areas, the main objectives of the regulatory work that Trading Standards services engages with, around those who choose to trade on our streets is to safeguard the intellectual property rights of legitimate businesses whilst at the same time protecting consumers from goods and services, that from the experiences gained from our professional officers may often be shoddy and dangerous.

In many of our major cities and towns such as Newcastle, through the involvement of elected Members and external partners including Northumbria Police; Council's such as the City of Newcastle upon Tyne have established 'zones of control' on street trading activities around our city centres and sporting venues which are so well established that the 'importation' of trading activities from illegal street traders coming into the city have been stopped by positive enforcement actions which have dissuaded such illegitimate traders entering the city and attempting to ply their wares illegally.

The value of these 'zones of control' were clearly demonstrated during the policing by Trading Standards Officers and Licensing Officers during both the Olympic Torch relay and also the hosting of Olympic Events in Newcastle during the summer of 2012.

It also remains the view of NETSA that within the current consultation document from BIS, there needs to be a clear recognition of the full value and true worth of the existing legislative framework and the truly positive effect and positive benefits for legitimate businesses that these legislative provisions have had on many of our city and town centres

The NETSA Executive would now wish to make the following key observations:

- The NETSA Executive notes with concern the comments received from one of the three Police Services within our region we would echo the comments made by Police colleagues in challenging the Government's comment that *'we are not aware of any evidence of consumer detriment caused by the activities of pedlars who trade within the current definition'*.
- This local Police Service has provided the NETSA Executive with a significant number of examples in this paper where people with serious criminal records have applied and been refused Pedlar certificates within the last year.

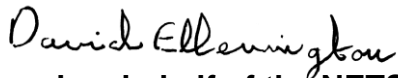
- Specifically as we understand it and as pointed out by Police colleagues, the Government has in relation to lack of evidence of Pedlars acting outside the law has not taken cognisance of those individuals who have been screened out before certification. It does indeed seem perverse that the majority of certified Pedlars probably do operate substantially with the current definition of the Act; the argument from the Police Service, and one which we would support, is that the current certification system screens out those that would act dishonestly.
- The NETSA Executive remains very concerned that the importance of existing regulatory controls around street trading are to be totally negated by the proposal to relax these existing legislative controls,
- The NETSA Executive also takes the view that around such issues as the protection of intellectual property rights, there is also a conflict of messages being sent to LATSS Authorities from Central Government Departments, where effective action around the protection of the intellectual property rights of legitimate businesses is being encouraged by Departments such as the Home Office and organisations such as the Intellectual Property Office.
- The NETSA Executive also has serious concerns that following the careful development and implementation of No Cold Calling Zones in many of our residential areas, which are designed to protect the more vulnerable within our communities, the proposals around street trading and pedlary can only lead to 'confusion' and a raising of various concerns from residents who have chosen through consultation to request for the implementation of No Cold calling Zones in their residential areas.
- The NETSA Executive also welcomes the view of the Local Government Association (LGA) in that the existing licensing regulations will continue to apply to street traders but that the consultation proposes removing all regulation of a new definition of pedlars. The LGA recognises that many of its local authorities have resorted to local acts to regulate pedlary and therefore wants to press the Government to move ahead with a parallel commitment to examine what enforcement tools can be made available to tackle business and resident concerns about pedlars in the future.
- The NETSA also welcomes the view of the LGA that councils should have a clear and consistent set of tools available to respond to the needs of residents and businesses when appropriate.
- NETSA would also wish to highlight the statement made by Councillor Mehboob Khan, Chair of the Local Government Association's Safer and Stronger Communities Board who has said: *"Far from encouraging the growth of our high streets, removing the ability of residents, businesses and local authorities to have a say on where street traders can set up threatens to undermine the prosperity of high street shops."*

- *Residents tell us they are fed up with having a stream of 'cold callers' knocking on their door who intrude on their home life. These callers need to be managed under one consistent framework which can then be locally applied*
- *The work local authorities do to regulate street trading protects vulnerable people from rogue traders and rip-off merchants, but also ensures other businesses can prosper too."*

Hopefully this response is of some assistance to the Consultation exercise but if there are any specific enquiries to the issues as raised please do not hesitate to contact me directly.

Yours sincerely

David Ellerington Chair



Signed on behalf of the NETSA Executive
25th January 2013